

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits – Arbitration – An amount of Rs. 12,00,980/- as full and final Settlement including interest of Arbitration Award dt. 31.12.1991 in O.P No. 98/92 in respect of the work relating to “Earth work excavation and forming embankment from KM 9.00 to KM 10.00 of Priyadarshini Jurala Project left main canal entrusted to Sri B. Koteswara Rao, vide Agt.No.15 /82-83 dated 17-3-83 – Sanctioned – Orders – Issued..

IRRIGATION & CAD (ARBITRATION) DEPARTMENT

G.O. Ms. No. 106

Dt: 26 - 07-2011
Read the following

- 1)From Sri B. Ramakrishna, Narasaraopet, Guntur district, representation, dated 29.7.2009.
- 2)From the Chief Engineer (Projects) Mahabubnagar Dist. Camp office, Errum Manzil, Hyderabad Lr. No. CE (P)/ DCEI/OT8/AEE2/ ARBITRATION/09, dt. 23.9.2009.
- 3)From the Engineer-in-Chief (IW), I & CAD Dept., Hyderabad Lr. No. ENC/IW/P &M/ EE.I/DEE.8/300108/08, dated: 25-05-2010.
- 4)From the Engineer-in-Chief (IW), I & CAD Dept., Hyderabad Lr. No. ENC/IW/P &M/ EE.I/DEE.8/300108/08, dated: 10-11-2010.
- 5)From the Chief Engineer (Projects) Mahabubnagar, Camp office Errum Manzil, Hyderabad Lr. No. CE (P) DCEI/OT8/AEE-2/ ARB/2009, dt. 14.7.2011.

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ORDER:

The Chief Engineer (Projects), Mahabubnagar, in his letter 2nd read above, has reported that the work relates to “Earth work Excavation and forming Embankment from K.M. 9.00 to KM.10.00 of Priyadarshini Jurala Project left main canal “ entrusted to Sri B. Koteswar Rao, Contractor vide Agreement No. 15/82083, dated. 17-3-83. Disputes were arose between the Contractor and Department on certain claims. The contractor has filed O.P. No. 568/89, on certain claims in respect of the above work. The Department has also filed O.P No. 578/89, against the claims made by the Contractor. The II Senior Civil judge City Civil Court, Hyderabad is appointed a Sole Arbitrator on 13-2-1991 in O.P. No.568/89 to look in to the contentions and counter contentions made in the above said O.P's. The Arbitrator ruled in favour of the Contractor, allowing seven (7) claims amounting to Rs. 15,85,322/- with interest @ 18% per annum from the date of the award i.e., 31-12-1991.

2. Aggrieved with the Arbitrator award, dated: 31-12-1991 the Department has filed O.P No.84/92 in the lower Court. The contractor has also filed O.P No. 98/92 towards making the above Arbitrator award as rule of the court. After hearing both the sides, the lower court has dismissed the O.P. No. 84/92 filed by the department and partly allowed the O.P. No. 98/92 filed by the contractor on 31-12-2001. While doing so, the lower Court disallowed the claims under 2(A) and 4(A) made by the Contractor. The decree passed on 31-12-2001 in O.P No. 98/92 challenged by the department before Hon'ble High Court of A.P in CRPSR NO. 50546/2002. The dismissal of the O.P. No. 84/92 was also separately challenged by the Department before Hon'ble High Court of A.P. in CMASR No. 50547/2002. In CRPSR NO. 50546/2002, the Hon'ble High Court of A.P granted interim stay on the execution of the decree of the lower court, subject to the condition that 50% of the decretal amount is to be deposited within (8) weeks from the date of the order i.e., 16.8.2002. Accordingly, 50% of the decretal amount was deposited.

3. Meanwhile, the contractor has also filed CRP No. 5016 of 2002 before the Hon'ble High Court of A.P., against rejection of certain claims falling under categories 2(A) & 4(A) in O. P. No. 98/92, dated 31-12-2001. The contentions of the department against the decree of the lower court which allowed certain claims, the rejection of certain claims of the contractor, had heard along with the contentions of the contractor in CRPSR No. 50546/2002 and CRP No. 5016/2002 (got linked). The contractor, by way of filling CMA No. 3635/2004 before Hon'ble High Court has obtained favourable orders authorizing one Sri B. Ramakrishna to represent his case to the Government for conciliation. The Hon'ble High Court in its order in CMA No. 3635/2004, dated. 26th March, 2009 directed the claimant to make the representation to the Prl. Secretary to Government for Conciliation with in a period of (3) weeks from the date of the order and the Principal Secretary was directed to try and settle the matter within a period of three months thereafter. Similar orders were also passed on the same day in a common Judgment in CMA No. 3635/2004, CRP No. 5016/2002 and CRP No. 3729/2002, which all related to various claims made by the contractor. In pursuance of the direction of Hon'ble High Court, the matter has been discussed in the concerned Conciliation Committee with the G.P.A. holder of the above Contractor.

4. During the final conciliation with the G.P.A., holder of above contractor on 30.12.2010, the G.P.A. holder of the above contractor has agreed for Rs. 12,00,980/- as full and final settlement including interest . The G.P.A holder of the above Contractor has submitted a declaration on a affidavit stating that he shall withdraw all legal proceedings in respect of the above subject work against the Govt. of A.P or its representative officer, if the agreed amount is paid.

5. Government after careful examination of the above proposal, hereby accord sanction for an amount of Rs. 12,00,980/- (Rupees Twelve lakhs Nine hundred and Eighty only) as full and final settlement including interest of

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Arbitration Award dated: 31-12-1991 to be deposited to the credit of O.P No. 98/92 in respect of work relating to "Earth work Excavation and forming Embankment from KM. 9.00 to KM. 10.00 of Priyadarshini Jurala Project left main canal" was entrusted to the Sri B. Koteswara Rao, Contractor vide Agt.No.15/82-83, dated:17.3.83. Subject to condition that the G.P.A., holder of the above contractor shall withdraw all legal proceedings in respect of the above subject work against the Govt. of A.P., or its representative officer, if the sanctioned amount is paid.

6. The expenditure sanctioned in para (5) above shall be debitible to the detailed Head of Account under "4700 COL on Major Irrigation-01 MI (Commercial) - MH 122 Jurala Project GH (11) Normal State plan-SH 27 Canals & Distributaries-530/531 - Other Expenditure."

7. The Engineer-in-Chief (IW), I & CAD Dept., Hyderabad / Chief Engineer (Projects), Mahabubnagar, shall deposit the above sanctioned decretal amount in the respective Court to the credit of O.P No. 98/92 for avoiding further legal complications in the matter.

8. This order issues with the concurrence of Finance (W&P) Department vide their U.O. No.1368/F2(2)/11-1, dt. 19.4.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. PRASANTA MAHAPATRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Engineer – in – Chief (I.W), I & CAD Department, Errum manzil, Hyderabad.

The Chief Engineer (Projects), Mahabubnagar, Camp office Hyderabad

The Accountant General, A.P. Hyderabad.

The Director Works Accounts, A.P Hyderabad.

The District Treasury Officer, Mahabubnagar

The pay and Accounts Officer, Mahabubnagar

Copy to : The P.S. to Spl. Chief Secretary to C.M.

The P.S. to Minister (M & MI)

The P.S to Prl. Secy. to Govt., I&CAD Department.

The Finance (W&P) Department.

The Law Department

The I & CAD (P&B) Department.

S.F/ S.C

//Forwarded: By Order//

Section Officer